



# Santa Clara Police Training Flash



## Mask Requirement at Businesses Open to the Public

The following individuals are exempt from wearing face coverings at all times:

- Persons younger than 2 years old (suffocation risk)
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. Such conditions are rare.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

Source: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

Furthermore, businesses shall not inquire further into the medical condition nor shall they require a doctor's note. Once a patron states he or she is unable to wear a face covering for medical or disability-related reasons, the patron should be permitted entry.

"If a customer does not have a medical or disability-related reason why they cannot wear a face covering but refuses to wear a face covering regardless, you must deny that customer entry to your facility. If a customer becomes belligerent after you deny entry, you may call the police and request help in enforcing the face covering requirement at your facility."

Source: <https://www.sccgov.org/sites/covid19/Pages/public-health-orders-faq.aspx#access>

### Calls for service:

Officers responding to a disturbance related to compliance with the face covering mandate should gather information from the patron and the business. If the patron refuses to wear a mask, but does not meet the above exemption criteria, he or she could potentially be subject to arrest for trespassing.

If the patron states he or she has a medical or disability-related reason for not wearing a face covering, the patron should be permitted entry. The responding officers can educate the business representative about the exemptions to the mandate. Officers can also suggest the business offer other accommodations to the patron such as: "offering delivery services, or accepting customers' shopping lists over the phone or at curbside and bringing the items outside to the customer so they don't need to enter the store."

(Source: <https://www.sccgov.org/sites/covid19/Pages/public-health-orders-faq.aspx#access>) These accommodations may resolve the situation if they are acceptable to both the patron and the business.

If the business representative still refuses to allow the patron to enter, the officer shall document this in an informational report and the business representative should be reminded that they may be violating the patron's civil rights under the Americans with Disabilities Act. Both the patron and the business representative should be given a case receipt and the patron may pursue civil litigation against the business, if desired.

(This information is subject to change based on changes in state and county health orders)

**Training Flash:** 2021-04-01

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**Reviewed By:** CP A9

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